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HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) No. 2827 of 2007

PETITIONERS : 1. Daya Ram Ekka, Aged about 45 years, Son of Shri Sukhram, Head Master, Mission Middle School Bagdhannu, Post Office Bargawan, District Surguja, Ambikapur (C.G.)
2. Erenius Lakra, Aged about 36 years, Son of Shri Blacius Lakra, Assistant Teacher, Mission Middle School Bagdhannu, Post Office Bargawan, District Surguja, Ambikapur (Chhattisgarh)
3. Smt. Gyani Kujur, Aged about 34 years, Wife of Shri Domnic Kujur, Assistant Teacher, Mission Middle School Bagdhannu, Post Office Bargawan, District Surguja, Ambikapur (Chhattisgarh).

VERSUS

RESPONDENTS : 1. State of Chhattisgarh, through Secretary, Tribal Welfare Department, Mantralaya, D.K.S. Bhawan, Raipur (Chhattisgarh).
2. Commissioner, Tribal Welfare Department, District Ambikapur (Chhattisgarh)
3. Catholic Sansthan Surguja, Dakshin Parikshetra, Bishop's House, Ambikapur through Nirdeshak, Bishop's House, Ambikapur (C.G.).

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA.

Single Bench: Hon'ble Justice Shri Satish K. Agnihotri.

Present: Shri Anupam Dubey, Advocate for the petitioner.
Miss Sunita Jain, Panel Lawyer for the State/respondents 1 & 2.

ORDER

(Passed on 8th day of May, 2007)

1. The question of law involved in this petition is whether the teachers working in government aided private schools are entitled to the benefit of the recommendation of the Fifth Pay Commission under the provisions of the Madhya Pradesh Ashaskiya Sikshan Sanstha (Adhyapakon Tatha Anya Karmchariyon Ke Vetno Ka Sandaya) Adhiniyam, 1978 (henceforth 'the Adhiniyam, 1978') and the rules made thereunder read

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with the Madhya Pradesh Revision of Pay Rules, 1998 (henceforth 'the Pay Rules, 1998').

2. The identical question of law was considered by this Court in batch of matters i.e. Smt. A.Lall Vs. State of Chhattisgarh & Others (W.P. No. 4108 of 2005) with other connected matters, and the same was disposed of by judgment and order dated 6.2.2007. It was held that the petitioners who are working in fully Government aided private schools are entitled to the revised pay scales w.e.f 1.1.1996 as prescribed under the Pay Rules, 1998. This Court had granted certain directions further for the purpose of disbursement of arrears.

3. Admittedly and jointly, it is submitted by the learned counsel for the parties that this matter is squarely covered by the judgment and order dated 6.2.2007 passed by this Court in the case of Smt. A.Lall Vs. State of Chhattisgarh & Others and other connected matters (Supra).

4. As a result, for the reasons stated in the judgment and order dated 6.2.2007 passed in W.P. No. 4108 of 2005 Smt. A.Lall Vs. State of Chhattisgarh & Others and other connected matters (supra), the writ petition is allowed in the same terms and conditions.

Sd/-
Satish K. Agnihotri
Judge

Amit